

**Notice of Public Meeting  
Town of Superior  
Regular Council Meeting  
Thursday, September 15, 2011-7:00 P.M.  
Superior Senior Center  
360 Main Street, Superior, AZ 85173  
MINUTES**

**A. CALL TO ORDER**

Mayor Hing called the meeting to order at 7:05 p.m.

**B. SALUTE TO THE FLAG**

Mayor Hing led the salute to the flag.

**C. OPENING PRAYER**

Mayor Hing led the opening prayer.

**D. ROLL CALL**

Present: Council Members Hank Gutierrez, Chris Tomerlin, John Tameron, Gilbert Aguilar, Mayor Michael Hing, Vice Mayor Olga Lopez

Absent: Council Member Soyla "Kiki" Peralta

**E. CONSENT AGENDA**

1. Approval of Minutes for Regular Meeting August 18, 2011
2. Approval of Minutes for Special Meeting September 6, 2011
3. Disbursements for months of July 2011

Mayor Hing asked if there were any changes on the regular meeting minutes for August 18. There were none. He asked if there were any changes for the minutes for the special meeting of September 6.

Council Member Tomerlin said the motion to return to open session in the September 6 minutes was in there twice.

Mayor Hing said to just make that correction. He asked if there were anything else. There was nothing else.

He said they would move on to disbursements for the month of July 2011 and asked if there were any questions.

Council Member Tameron asked the Chief (Deputy Town Manager Lou Digirolamo) why there were so many invoices to Banner Occupational Health, a lot of medical for different dollar amounts, a lot of medical people.

Deputy Town Manager Digirolamo said he would have the account clerk answer.

Account Clerk Nicole Welty, said, "You have questions about Banner Occupational Health?"

Council Member Tameron said, "Well, no, all these that are related. I mean, in the medical field."

Ms. Welty explained about how they use different medical providers for supplies.

Council Member Tameron said, "But it is for our ambulance service?"

Ms. Welty said, yes, for supplies.

Council Member Tameron said, "But it is for the ambulance then? Not for physicals or anything like that?"

Ms. Welty replied in the affirmative, for the ambulance.

Council Member Tameron said, "Okay. Okay. Thanks."

Vice Mayor Lopez asked about a couple of purchases from Best Buy.

Deputy Town Manager Digirolamo explained that Council Member Tameron's computer had been returned. They had gotten a credit for that. Then, there were digital recorders as they were trying to transfer over from the old tape recorder.

Vice Mayor Lopez asked about an outflow to Wells Fargo.

Ms. Welty said those were bonds they owe the bank.

There were further questions, answers and comments from council and staff about the disbursements.

Mayor Hing asked if there were any other questions about the disbursements of July 2011. There were none. If not, was there a motion to approve the consent agenda?

**MOTION:** Council Member Tomerlin moved to approve the consent agenda. Council Member Tameron seconded.

**VOTE:** The vote was unanimous to approve the consent agenda, with the mayor recusing himself from the voting because listed in the disbursements were checks made payable to his business. The motion carried.

## **F. COMMUNICATION**

1. Acknowledgement from the Superior High School Football Team – Billy Duarte

Superior High School Coach Ryan Palmer appeared on behalf of Billy Duarte. He acknowledged donations given to procure the football lights. He said having the lights back is a huge plus to the whole community. He thanked Fred Miramon for his part in helping to get the funding.

Mayor Hing said that, again, the town's part was in securing a grant from the Apache Gold Casino. The Chief (Deputy Town Manager/Police Chief Lou Digirolamo) had written that grant.

There were further comments.

## 2. Update on Superior Substance Abuse Coalition – Elizabeth Magallanez

Ms. Magallanez introduced the executive board of the Superior Substance Abuse Coalition, including Michael Anthony Flores, Teresita Olmos and Rita Wentzel.

Mr. Flores said the Superior Substance Abuse Coalition started in 2006 as a part of the town's Economic Development Committee to address the substance abuse issue that the community is still faced with. The main goal is to increase awareness, provide information about the resources to support the work of students, families and educators. How they do that is to educate parents about the signs and symptoms of drug use. They also hold prevention events such as the annual Cinco de Mayo celebration and Win to Swim. This is where they get with different business and get them to donate items that are given to children after they learn about different kinds of safety, water safety, substance abuse, and he mentioned other topics as well. He said they had a sample pack for them so if they wanted to take a look at what businesses in town had given, they could. He said, "We couldn't do what we're doing if it weren't for the businesses." He said that every time they had an event, everyone pitches in as he has never seen in any other community.

He made further comments.

Ms. Magallanez said they used to have a pool party immediately after the event, but it is in monsoon season and usually gets rained out. So the town provides free swim passes whenever they choose.

She made further comments. She also discussed a focus group of 12 students the coalition held in the school. Seventy-five percent of the respondents said there was a substance abuse problem in Superior and the top five items listed as the problem substances being abused are marijuana, meth, cocaine, alcohol and the last is whatever they can get their hands on. Fifty to 90 percent also said students are abusing drugs and 91.6 percent said youth are drinking and driving in Superior. She thought this was dangerous to all. One of the things the coalition was grateful for was the passage of a social host ordinance.

She made further comments.

Mayor Hing asked about that high figure (of abuse) in the schools. Was it partly due to the loss of the resource officer?

Ms. Magallanez said some of the kids who have offered input have said that has increased since the loss of the resource officer. Staff at the school also had their job to do. When you

think about it, also, members of the coalition are just volunteers. Not one of them is paid other than herself. She represents Resolution Copper because in the future they are going to need workers who can pass a drug test in order to employ them. So they allow her on company time along with the work that she does along with personnel.

Further comments were made by Ms. Magallanez and Mr. Flores. Among these was a discussion of the coalition being in the process of obtaining their 501c3 nonprofit status.

Mayor Hing made a number of comments on substance abuse. Included was that this was quite disturbing. "Let the public know this is a problem," he said. "If it exists with the kids, it moves back into the family structures. It is issues that we deal with, that our officers are dealing with in the street. So we're seeing this. We've got to try to resolve this whole issue. The goal, I always felt like, is a drug free environment, so I will never cease from going after that."

Further comments were made by the mayor and Mr. Flores.

Council Member Tomerlin thanked Ms. Magallanez, Mr. Flores, Ms. Olmos, Ms. Wentzel and all the other coalition members. "Because of them," he said, "we kept this going. We lost a little bit of momentum when Officer Licano ... the grant ran out ... and we were no longer able to keep him as the resource officer. He was the co-chair at that time. Elizabeth serves as the co-chair right now. I'm really glad that we have an organization like this in the community and I just hope that we will be able to keep it going and just build momentum as we go."

### 3. Finance Report/Revenue and Accounts Payable – Account Clerk Nicole Welty

Mayor Hing said they would move on to the financial reports. They had the revenues and accounts payables.

Ms. Welty said, "Hello." She referred to the documents that they had.

The mayor asked for questions.

Vice Mayor Lopez said she had a question, comment maybe. She said the report was better and questioned if she was reading right this was just a summary of what they owe. Right? Not what is being paid, just what they owe?

Ms. Welty said yes and made further comments in clarification.

Council Member Gutierrez asked how much was that, that they owed, for the public to hear.

Ms. Welty discussed the amounts owed and answered council's questions.

Vice Mayor Lopez asked if they had invoices for all those listed.

Ms. Welty said yes.

There was further discussion.

Ms. Welty discussed outstanding taxes as requested by Council Member Peralta. She gave details and discussed a \$25,000 penalty. "The good news is that ... it is smaller than it could have been."

Vice Mayor Lopez asked if they'd paid the 2009 taxes.

Ms. Welty said, "Yes."

Vice Mayor Lopez asked if they'd paid the 2010 yet?

Ms. Welty said yes, they had put together a plan where they paid (inaudible) a month. As of June 10, 2011, that was paid off.

Mayor Hing said on the accounts receivable how are the refuse and the sewer. "Are those up to par? Is everybody paying?"

Ms. Welty said people are paying. There are still a number of deficient accounts. It was still kind of a challenge. They were looking at maybe 30-35 accounts. They had just had five people come in and sign for contracts, which is really great. It really helps them out because they don't have to pay finance charges or late fees. "And so we really want to work with them to get their bills caught up," she said.

There were more comments.

#### 4. Little League Field Update

Deputy Town Manager Digirolamo reported on payments that had been made for watering the Little League field.

Mayor Hing said that as they could see it seems like the Little League is still short of funds. He knew there were some Little League representatives there. He said, "I know this is an issue that Mr. Gutierrez made about the water and the commitment and, of course, our council's commitment to meet the needs of the Little League Park. People have asked me, 'What can we do about it?' We're working on this effluent issue and just to update the council and the public is that I believe we're moving a lot closer than people expected us to do on this. I know that things die out, the season's over, but the bills keep coming. I know, Mr. Gutierrez, you mentioned that the money could be put into the pipe. Well, we're pretty close to getting that right. I know Mr. Garfield's here from the Arizona Water Company. I've kind of asked him if he can look at this situation and kind of assist. I was actually taking the water away from them because, the fact is they won't be buying water. But Mr. Garfield from Arizona Water Company had indicated to me about possibly assisting the town and trying to repair this effluent line."

Mayor Hing continued: "Speaking of the property owner that has been the major hang-up on this, it was a little bit frustrating trying to figure out where this pipe's at. But after reassessing the issue, we have effluent water up to the cemetery. From the cemetery to O'Donnell Drive it runs all the way up to a dead end. However, the dead end, there's an easement across there to reach the park. So, that's 3,475 feet."

He said it looked very doable. "We looked at places it would take a pipe and looking at even a large pipe, a 4-inch, which I don't think it'd be a 4-inch," he said, "but even doing a 2-inch line up there is about a dollar a foot for the material. So Mr. Gutierrez does make a point that the money we put into paying this water bill could easily go into repairing a new effluent line for the ball park. So I know that Mr. Garfield has made commitments to come and look at the issues. They have a meeting with Mr. Lant next week and me appreciating the water company indicating they would look at it," he said.

There was a further general discussion about a need for clarification of an easement at Mary Drive, as well as the issue of pumps.

Martin Navarette of the Little League was present at the meeting. He commented and responded to questions.

Mayor Hing said he knew it was an issue. Their commitment was \$500 a month. That adds up very quickly. They had 168,000 gallons of water going down the creek, do the math, they just have got to get this thing underway. There was a good possibility with booster pumps being put in, tanks, the investment could become very minimal versus what's going down the creek and ... what they are paying Arizona Water Company for.

He asked if there were any other questions and thanked the deputy town manager for the update on the billing issues on that.

5. Tucson Grant – Jed Lant

Public Works Supervisor Jed Lant reported on an interview before the Southern Arizona Advisement Committee (sic, Southern Arizona Resource Advisory Committee). He, the mayor, Mila Besich (sic, Lira) had gone. They got two different grants for a total of \$27,900. One is for the LOST trail maintenance for \$12,400. The other one was for public works for \$15,500. This included \$8,000 for a NEPA survey and \$7,000 for a spray rig.

There were further comments and a discussion on this item that included the topic of weed control.

6. Parks and Recreation Department Open House – Barbara Arriola

Director of Parks & Recreation Barbara Arriola said she was so excited about offering recreation to the children of Superior. She talked about the new rooms for recreation that would now be at town hall (Roosevelt). It was a long time coming but they finally made it thanks to all the wonderful people who helped. She listed the people who had helped. She said they needed to purchase a few things. When they moved from the senior center there had been a few things broken. She said they needed a boom box and a karaoke machine. She said there would be a grand opening of the new recreation quarters in Room 5 on September 23, from 3-7 p.m.

Mayor Hing thanks Ms. Arriola and said he appreciated her commitment to putting this program together.

**G. BUSINESS, POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:**

1. Presentation by Arizona Water Company about present and future water availability in the Town of Superior.

William Garfield, president of Arizona Water Company, gave information about water and Superior. He discussed the price of water in Superior, going back to 1955, the year that Arizona Water Company was first formed. The rates were just under \$80 per month based on a certain usage that he cited. In the 1970s the rates were higher and in 1993 had dropped to approximately \$43 per month. In 2004 the rates dropped to just over \$30 per and the current rate for the usage cited was approximately \$30.50 per month. This shows the rates have been relatively stable for a number of reasons, including the stability of the water company.

He said people probably want to know where water in Superior comes from. He showed a slide that informed that the source of water is southwest of Florence Junction. It travels 23 miles to the company's wells and arsenic treatment facility and then travels 22 miles into town.

He made a number of comments and topics in his presentation. Following the presentation, there was a question and answer session open to all present.

Further comments were made.

2. Discuss/Approve/Reject air condition units in the Magma Club as stated in the request for proposal, lone bidder Mid State Refrigeration – Nick Bernoski, Willdan

The council, Mr. Bernoski and staff discussed the air conditioning project status and the only bid received of \$27,605.03. There was a discussion of the possibility of renegotiating with the bidder.

**MOTION:** Council Member Gutierrez moved to direct staff to work with the bidder to renegotiate with the discretion to not accept the bid. Mayor Hing seconded.

**VOTE:** The vote to approve was 4-2 with Vice Mayor Lopez and Council Member Tomerlin opposed.

3. Discuss/Approve/Reject new board members Pete Casillas, Sonny Samson, Curt Williams, Michael Carnes for the Economic Development Committee.

Mila Lira presented the Economic Development Committee's request to approve the new board members and reaffirm the present ones. They needed the board to be in place as they are working on their 501c3 process and are having a work session next Wednesday.

**MOTION:** Council Member Aguilar moved to approve the committee members. Council Member Tomerlin seconded.

**VOTE:** The vote was unanimous to approve the new members.

Ms. Lira asked if that included reaffirming of all members. They wanted to make sure that all members are reaffirmed.

Deputy Town Manager Digirolamo said they wanted to make sure that they could do that because it was only listed as new board members on the agenda.

Mayor Hing said yes it was only listed as new board members.

Ms. Lira said the entire committee was attached to the packet.

Mayor Hing said yeah but the item was listed ... "That's fine because the other members are still active."

Town Attorney Christopher Wencker advised that the item should be strictly as on the agenda. Attached items are not necessarily part of the agenda. So whoever is on the agenda is voted on tonight.

Mayor Hing said okay, that's no problem. "I think that these are just new members and like I say the rest of the board is still intact," he said.

Ms. Lira asked if they can have the reaffirmation put on the next agenda.

Mayor Hing said that was fine, no problem.

Ms. Lira said they really needed to move forward on their 501c3 because the holidays are coming.

Mayor Hing asked if this would allow them to continue.

Ms. Lira said the next meeting would be Wednesday, September 21, at 1:30 p.m. and that would be facilitated by Rita Wentzel. Her company is going to be donating her time to developing the articles of incorporation for filing so she will be donating her time for that meeting.

She made further comments.

Attorney Wencker said that in regard to the current membership of that board, the law says that people continue in their positions until a successor is appointed. "So if we did fail to reaffirm those people, they would continue in their positions anyway," he said.

Mayor Hing said okay and thanked the attorney.

There were more comments.

#### **H. CALL TO THE PUBLIC**

Bill Holmquist referred to stacks of newspaper articles he had regarding Dr. Wilt. He said he had been listening to them tonight talking about money problems, kids having 75 percent drug use.



He said he did not know what it is going to take to get the council behind downtown and get the place opened up. He said there had been a court case that day and he was not sure if they had been aware of what the plea agreement was made between the town and Dr. Wilt. He said he was not sure what the terms were of the plea agreement. He discussed how without the street being open kids in the town are being deprived of jobs and with that depriving them of self-respect. He was talking not only about council but all the adults in the town. This has been going on for 22 years. He made further comments.

Pete Casillas of the Chamber of Commerce thanked the mayor and council. He said it is not just buildings. It is about emails, phone calls, conversations of both business owners and residents that are concerned about the safety of buildings and, of course, the appearance of downtown. He was not singling out Dr. Wilt, he said. He said if Billy did get fed up and boarded up Porters, Resolution and Uptown Diner, where does that leave them. The chamber is working so hard to bring their best to downtown and with all these businesses closed down and unsafe, there's no need to have Apache Leap Days ... on behalf of the members ... want to do something about the appearance and safety of the town.

Sonny Samson said he wanted to put an addition on his building ... and hire four or five people. That's all he is asking. Take a look at his property, take a look at his plans and you make the decision. He'd have Willdan do it but he can't afford it.

Mayor Hing asked if there were anyone else.

Council Member Gutierrez said he wanted to address what Mr. Holmquist was saying and he agreed with him. "But I think when we look at the community as a whole," he said, "I think the problem is more systemic than just buildings and one developer. We have to look to ourselves in our community because, you look at Elizabeth and the drug coalition, you know, it happens with the adults in this community. If it's not specific to one group where Elizabeth needs more support from her parents, it doesn't happen." He said he knew the day was coming when their main street was open, however long it took. He made further comments.

Council Member Tameron apologized to Mr. Holmquist for interrupting him but said that to a certain extent he agreed with him. If there were businesses in town, you did employ more people. The highway is there and they do employ eight high school students and at special events bring in more. "And I wish we could employ more but we can't," he said. But he agreed, if there were more businesses here in town on Main Street, yes, they could employ their students, their children and motivate them.

There were further comments in the room.

Mayor Hing said someone had called him to say he needed to go to Sonora Street. He said he went there and there was a pile of garbage on the side of the street, not material, garbage, white bags. He said not to send the fire department, code enforcement, this is garbage, just clean off the street. He appreciated that Jed went out there and cleaned it. That wasn't Dr. Wilt, that wasn't investors, that was the neighborhood that said, hmmm, garbage pile, keep throwing on there. He made further comments.

Council Member Tomerlin said that Mr. Holmquist had asked him how many students did he know who were employed. A high number because he did not know all the students personally was 25. There are 100-some students in the high school. That is 25 percent employed. A couple of them use it to support their families. He knew one person who just bought a truck or is making payments because that's what his job allows him to do. Going back to development, if any single one of them or their friends has any idea for any employment, come to him and he'll see how they can make it happen. He made further comments.

Mayor Hing said, so that's a response to public comment?

Council Member Tomerlin said, yes, that's a response to public comment.

Mayor Hing said he would ask Chief in the next meeting to give them a code enforcement update. He made further comments.

#### **I. EXECUTIVE SESSION:**

The Town Council may or may not vote to go into Executive Session pursuant to ARS38-431.03(A-1) (A-3) & (A-7)

1. Executive Session pursuant to ARS 38-431.03 (A)(3) for status update and legal advice with the Town's Attorney's regarding litigation with Dr. Wilt.

A-1 –PERSONNEL: A-3 LEGAL ADVICE WITH ATTORNEY

A-7 – LEGAL ADVICE ON SALE, LEASE OR PURCHASE OF REAL PROPERTY

**MOTION:** Council Member Tomerlin moved at 10:47 p.m. to enter executive session. Council Member Tameron seconded.

**VOTE:** The vote to enter executive session was unanimous of all present.

**MOTION:** Council Member Tomerlin moved to return to open session at 11:21 p.m. Vice Mayor Lopez seconded.

**VOTE:** The vote to return to open session was unanimous of all present.

#### **J. COUNCIL COMMENTS (Held Before Item I, Executive Session)**

Council Member Aguilar commented on how they should all work together as a family. It was not an excuse that two parents might have to work. They as parents, as friends had to look out for the younger generation, that they were on the right path. Maybe he was guilty also because his kids were grown and on the right path, but he sees it and it bothers him. Also if a business is trying to improve, why are they giving them a hard time? He made further comments.

Council Member Gutierrez followed up and continued in that line regarding Mr. Holmquist. He gave an example of when he and his wife had moved back to Superior and moved their business here. He talked to a community leader who had asked him why and among his answers he had said he wanted to hire Superior kids to give back what the community had given him. The

person had asked him if he was crazy and made negative remarks about Superior people, schools, etc. He told the person he refused to accept that thought. He hopes that in his involvement in Superior on the business side he can give back to the community so that the kids that Bill was talking about have the same opportunity. He makes every effort to hire locally especially kids just out of high school so that could be the difference. He made further comments.

Council Member Tomerlin said that Mr. Gutierrez had mentioned drugs. He knew that probably three quarters of the people he knew that have been on drugs or are on drugs say they started because they had nothing better to do.

Council Member Tameron said he had no comment.

Vice Mayor Lopez spoke of the need to encourage youth and so they did have to work together to develop more businesses. It does start at home and they know that. The older generation, they were tough on them, but now they are kind of beyond that and they need to work with them (youth). It is all in how you judge and treat them. Treat them as an individual, not necessarily as adults because they are still growing. Give them some guidance and be patient because it is not easy. She believes that peer pressure is the biggest thing for these kids nowadays and if they can get that worked around so they can get the kids who are, she is not saying that they are better than anyone else but who maybe have a little more smarts, if they can get them to influence the kids who are doing wrong and then you just turn it around and it will be really great. She also noted that she believed the manager would be back the next day. She believed that was the end of her FMLA. She would like to see her medical release. She made further comments on other topics.

Mayor Hing said Mr. Gutierrez had made a point about negativity. He said he kind of just ignored it. He just walked away when people got mad and he says, "I don't want to hear it. If you don't like it, move." Complain about this, complain about that, you know, we do the best we can. Code enforcement is a tough issue. It is always an issue. If you code enforce one area, certain people get all mad at you and accuse you of singling them out. That's why we created years of development, a fire marshal, adopting these codes. That's part of if you want to see this community going forward because that's the bottom line. He made a number of other comments touching on a variety of topics.

#### **K. ADJOURNMENT**

**MOTION:** Council Member Tomerlin moved to adjourn. Vice Mayor Lopez seconded.

**VOTE:** The vote to adjourn was unanimous of all present. Mayor Hing adjourned the meeting at 11:22 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the Town Council of the Town of Superior held on the 15th day of September 2011. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

**Lou Digirolamo** \_\_\_\_\_

**Deputy Town Clerk/Police Chief**

These Minutes were compiled and transcribed by

Cindy Tracy

An Independent Contractor.

(Final editing of these minutes and their content is completed and verified by staff members of the Town of Superior.)